

Exhibit C

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

**IN RE: NATIONAL PRESCRIPTION
OPIATE LITIGATION**

THIS DOCUMENT RELATES TO:

Track Seven

**MDL No. 2804
Case No. 17-md-2804
Judge Dan Aaron Polster**

KROGER DEFENDANTS' DISCLOSURE OF EXPERT WITNESSES

Defendants The Kroger Co., Kroger Limited Partnership I, and Kroger Limited Partnership II (collectively “Kroger”) hereby disclose the following expert witnesses that they may call to testify at trial.

RESERVATION OF RIGHTS

As discovery is ongoing in this case, Kroger reserves the right to amend and/or supplement this disclosure and/or the opinions referenced in this disclosure. Kroger also reserves the right to disclose rebuttal opinions, in the event any other expert files a rebuttal opinion. Kroger also reserves the right to disclose new experts and/or opinions based on the experts and/or opinions contemporaneously filed by defendants, if any there be, in this litigation.

Kroger reserves the right to call or not call at trial any expert witnesses disclosed herein. Kroger reserves the right to identify and/or call at trial any expert witnesses identified by any other party, including plaintiff, or listed in any other party’s expert witness disclosure, interrogatory answers, witness lists, and any amendments or supplements thereto.

Kroger also preserves all objections, rights and defenses, whether raised or unraised, that exist by virtue of plaintiff’s failure to timely and fully disclose the basis for plaintiff’s

expert opinions. Kroger incorporates any objections raised by the other defendants, as those objections may relate to plaintiff's expert opinions.

Kroger reserves the right to disclose additional experts given the refusal of certain parties to this litigation who, on or about November 16, 2022, indicated that they would not permit Kroger to share certain expert witnesses for whom Kroger had shared in prior litigation.

Kroger reserves the right to supplement any of the opinions disclosed herein for any reason, including, but not limited to, plaintiff's refusal to provide testimony about facts relevant to the claims and defenses in this case. Kroger reserves the right to supplement any of the reports disclosed herein with additional opinions and/or facts based on testimony recently provided by Plaintiff's experts.

RETAINED EXPERT WITNESSES

Kroger has retained the following expert witnesses who may testify at trial.

1. Dwight Cokely
2. Lucas Hill
3. Anthony LoSasso
4. Patrick Marshalek
5. Rodney Richmond
6. John Schneider
7. Ann Selzer
8. Scott Strassels

Kroger has served on counsel, via electronic download, copies of the reports issued by each retained expert disclosed above, and two dates on which each retained expert is available for deposition.¹

NON-RETAINED EXPERT WITNESSES

The following individuals have been deposed as fact witnesses in this case. However, to the extent that they expressed opinion testimony in their deposition, Kroger is disclosing them as non-retained experts to notify the parties that Kroger may call these witnesses to also offer opinion testimony at trial consistent with their prior deposition.

1. Dr. Annette Chavez – Dr. Chavez is a physician practicing in or around Montgomery County. Dr. Chavez prescribes opioids. Dr. Chavez will testify as to her opioid prescribing practices, including that she has never knowingly written an opioid prescription that was not for a legitimate medical purpose. Dr. Chavez may provide insight as to when an opioid prescription might trigger one or more of “red flag” indicators that Plaintiff has identified in this litigation.
2. Dr. Louis Heckman - Dr. Heckman is a physician practicing in or around Montgomery County. Dr. Heckman prescribes opioids. Dr. Heckman will testify as to his opioid prescribing practices, including that he has never knowingly written an opioid prescription that was not for a legitimate medical purpose. Dr. Heckman may provide insight as to when an opioid prescription might trigger one or more of “red flag” indicators that Plaintiff has identified in this litigation.
3. Dr. Cynthia Kallet - Dr. Cynthia Kallet – Dr. Kallet is a physician practicing in or around Montgomery County. Dr. Kallet prescribes opioids. Dr. Kallet will testify as to her opioid prescribing practices, including that she has

¹ Kroger is submitting, via electronic mail to counsel, instructions on how to access a secure, electronic share-file containing the reports, reliance materials, invoices, curricula vita and pertinent transcripts for each of the Retained Experts noted above. Kroger reserves the right to add to the share-file any material inadvertently omitted.

never knowingly written an opioid prescription that was not for a legitimate medical purpose. Dr. Kallet may provide insight as to when an opioid prescription might trigger one or more of “red flag” indicators that Plaintiff has identified in this litigation.

4. Dr. Timothy O’Donnell - Dr. O’Donnell is a physician practicing in or around Montgomery County. Dr. O’Donnell prescribes opioids. Dr. O’Donnell will testify as to his opioid prescribing practices, including that he has never knowingly written an opioid prescription that was not for a legitimate medical purpose. Dr. O’Donnell may provide insight as to when an opioid prescription might trigger one or more of “red flag” indicators that Plaintiff has identified in this litigation.
5. Dr. Mark Romer - Dr. Romer is a physician practicing in or around Montgomery County. Dr. Romer prescribes opioids. Dr. Romer will testify as to his opioid prescribing practices, including that he has never knowingly written an opioid prescription that was not for a legitimate medical purpose. Dr. Romer may provide insight as to when an opioid prescription might trigger one or more of “red flag” indicators that Plaintiff has identified in this litigation.
6. Dr. Brad Snider - Dr. Snider is a physician practicing in or around Montgomery County. Dr. Snider prescribes opioids. Dr. Snider will testify as to his opioid prescribing practices, including that he has never knowingly written an opioid prescription that was not for a legitimate medical purpose. Dr. Snider may provide insight as to when an opioid prescription might trigger one or more of “red flag” indicators that Plaintiff has identified in this litigation.
7. Dr. Amol Soin - Dr. Soin is a physician practicing in or around Montgomery County. Dr. Soin prescribes opioids. Dr. Soin will testify as to his opioid prescribing practices, including that he has never knowingly written an opioid prescription that was not for a legitimate medical purpose. Dr. Soin may provide insight as to when an opioid prescription might trigger one or more of “red flag” indicators that Plaintiff has identified in this litigation.

8. Dr. John Urse - Dr. Urse is a physician practicing in or around Montgomery County. Dr. Urse prescribes opioids. Dr. Urse will testify as to his opioid prescribing practices, including that he has never knowingly written an opioid prescription that was not for a legitimate medical purpose. Dr. Urse may provide insight as to when an opioid prescription might trigger one or more of “red flag” indicators that Plaintiff has identified in this litigation.
9. Elisabeth Ann Esposito, LPCC-S, LSW of Samaritan Behavioral Health, Inc. –Ms. Esposito is the President and CEO of Samaritan Behavioral Health and is expected to offer opinion testimony, consistent with her deposition testimony of October 4, 2022, as to the efforts to ameliorate substance abuse affecting Montgomery County, Ohio, and the surrounding region.
10. Jennifer Bonifas of Goodwill Easter Seals Miami Valley –Ms. Bonifas is the Vice President of Program Services of Goodwill Easter Seals Miami Valley and is expected to offer opinion testimony, consistent with her deposition testimony of August 3, 2022, as to the efforts to ameliorate substance abuse affecting Montgomery County, Ohio, and the surrounding region.
11. Chief Deputy Daryl Wilson – Chief Deputy Wilson is employed by the Montgomery County Sheriff’s Office and served three years as an undercover drug agent. It is expected that Chief Deputy Wilson will offer opinion testimony, as consistent with his deposition testimony of May 16, 2022, that there is not a prescription opioid problem in Montgomery County, Ohio.
12. Matthew Juhascik, Ph.D. – Dr. Juhascik is the Chief Toxicologist and Scientific Director of Crime Lab for Montgomery County, Ohio. It is expected that Dr. Juhasci will offer opinion testimony, as consistent with his deposition testimony of May 19, 2022, that there is not a prescription opioid problem in Montgomery County, Ohio.

Dated: December 12, 2022

Respectfully submitted,

*Defendants The Kroger Co.,
Kroger Limited Partnership I and
Kroger Limited Partnership I, by counsel,*

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CERTIFICATE OF SERVICE

I hereby certify that on the 12th day of December, 2022, the foregoing document was filed using the Court's CM/ECF filing service which will provide electronic notice and a copy of this filing to all counsel of record.

Dated: December 12, 2022

/s/Ronda L. Harvey
Ronda L. Harvey, Esq. (WVSB 6326)